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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,467	01/06/2000	MATTHEW P.J. BAKER	PHB-34314	1753

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EXAMINER

TO, DORIS HA

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/478,467**

Applicant(s)

**Baker et al**

Examiner

**D. To**

Art Unit

**2682**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 6, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 & 6 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-2, 4-5, 7-8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Uebayashi et al [US 6,310,868].

Regarding claims 1, 5, 8 and 11, Uebayashi discloses a radio communication system comprising a primary station (base station) and a plurality of secondary stations (mobile stations 1, 2 and 3), the system having a communication channel (control and traffic channels) between the primary station (base station) and a secondary station (mobile station), the channel comprising an uplink and downlink control channel (where mobile station transmits RQ1 and where base station transmits ACK) for transmission of control information, and a data channel (i.e. MSG1) for transmission of data, wherein power control means are provided for adjusting the power of the control and data channels (see open loop power control and closed loop power control) and means are provided for delaying the initial transmission of the data channel until after the initial

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transmission of the control channels (Noted that Fig. 2 shows the RQ is transmitted before the MSG. Thus, the MSG is delay until after the initial transmission of RQ), see Figs. 1-8.

Regarding claim 2, Uebayashi shows the data channel is an uplink data channel.

Regarding claims 4, 7 and 10, Uebayashi shows the delay (the time between the transmission of RQ and MSG) is sufficient to enable the power control means to have substantially corrected the difference between the initial and target power levels in the control channels (see Col. 2, lines 6-10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uebayashi et al [US 6,310,868].

Although Uebayashi might not specifically show the delay in transmission of the data channel is predetermined, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the delay time in transmission of the MSG would have to be some predetermined time in order for the mobile station to determine whether or not the RQ is received by the base station and also a predetermined time for the base station to response ACK to mobile

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station and a predetermined time for the mobile to transmit MSG in order to determine when to set up traffic channel and terminate traffic channel.

***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

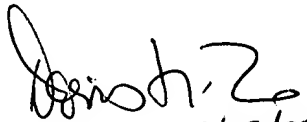
(703) 872-9314, (for formal communications intended for entry; and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. To whose telephone number is (703) 305-4827.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
**DORIS H. TO** 2/22/02  
**PRIMARY EXAMINER**